

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING UNIFORM PENALTIES FOR VIOLATIONS OF ZONING LAWS OR ORDINANCES; PROVIDING THAT A VIOLATION OF A ZONING LAW OR ORDINANCE IS AN ABSOLUTE LIABILITY OFFENSE; ALLOWING A GOVERNING BODY TO PROVIDE CIVIL PENALTIES; PROVIDING THAT EACH DAY OF VIOLATION CONSTITUTES A SEPARATE VIOLATION; AMENDING SECTIONS 76-2-211 AND 76-2-315, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Violations and penalties.** (1) A violation of this part or of a resolution adopted pursuant to this part is a misdemeanor and shall be punishable by a fine of up to \$500 or by imprisonment in the county jail for a term not exceeding 6 months, or both. The violation is an absolute liability offense as provided for in 45-2-104.

(2) The governing body may also provide civil penalties not to exceed \$100 for a violation of this part or of a resolution adopted pursuant to this part. Each day of violation constitutes a separate violation.

Section 2. Section 76-2-211, MCA, is amended to read:

"76-2-211. Violations and penalties. ~~(1) A violation of this part or any of a resolution adopted pursuant thereto to this part~~ is a misdemeanor and shall be punishable by a fine ~~not exceeding of up to \$500 or by~~ imprisonment in the county jail ~~for a term~~ not exceeding 6 months, or both. The violation is an absolute liability offense as provided for in 45-2-104.

(2) The governing body may also provide civil penalties not to exceed \$100 for a violation of this part or of a resolution adopted pursuant to this part. Each day of violation constitutes a separate violation."

Section 3. Section 76-2-315, MCA, is amended to read:

"76-2-315. Violations and penalties. (1) A violation of this part or of ~~such an~~ ordinance or regulation ~~made adopted~~ pursuant to 76-2-308(1) is a misdemeanor, and ~~such the~~ city or town council or other legislative body may provide for the punishment ~~thereof of the violation~~ by a fine of up to \$500 or by imprisonment, or both.

1 The violation is an absolute liability offense as provided for in 45-2-104.

2 ~~(2) It is also empowered to~~ The city or town council or other legislative body may provide civil penalties
3 not to exceed \$100 for such a violation of this part or of an ordinance or regulation adopted pursuant to
4 76-2-308(1). Each day of violation constitutes a separate violation."

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6 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
7 integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 1].

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9 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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